



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/559,978	12/08/2005	Kan'ichi Sato	04244/LH	7660
1933 7590 05/23/2008 FRISHAUF, HOLTZ, GOODMAN & CHICK, PC 220 Fifth Avenue 16TH Floor NEW YORK, NY 10001-7708				
EXAMINER CHENEVERT, PAUL A				
ART UNIT		PAPER NUMBER		
3612				
MAIL DATE		DELIVERY MODE		
05/23/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/559,978

Applicant(s)

SATO, KAN'ICHI

Examiner

Paul A. Chenevert

Art Unit

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-23, 26, 27, 30 and 34-39 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 37-39 is/are allowed.
6) ☒ Claim(s) 18-23, 26, 27 and 34 is/are rejected.
7) ☒ Claim(s) 30, 35 and 36 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 22 May 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. PCT/JP04/08275.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsman's Patent Drawing Review (PTO-848)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Withdrawal of Allowable Subject Matter Notice

1. Claims 18-23, 26, 29, 30 & 34-36 were indicated allowable in the non-final Office action filed 31DEC07. Claim 26 erroneously should have been rejected in view of Iwasa et al. In response to the non-final Office action, the Applicant placed claims 18, 19, 21, 22 & 34 into independent form in the Amendment filed 28MAR08. These claims were presented by the Examiner to an 'Allowance Conference' committee wherein other patent examiner members disagreed with the allowability of some of the claims. After much debate the Examiner decided to reject some of the claims indicated allowable, therefore the indication that the prior art did not show or make obvious the Applicant's second sound absorbing member (claims 18 & 34), crossed ribs (claim 19), wire conduit (claim 21), air conditioning duct (claim 22) is hereby withdrawn. If any additional fees were paid for new independent claims and the Applicant wishes to revert the claims back to depending upon a single independent claim (new claim 42 identical to canceled claim 17 along with the limitations of claim 17 removed from the reverted claims), then it is recommended for the Applicant to request to the Office a fee payment refund.

Claim Objections

2. Claims 34-36 are objected to because of the following informalities:
- a. Claim 34, line 2, "a" should be inserted after "cab of".
 - b. Claim 35, line 2, "an" should be changed to "a".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 18, 26 & 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwasa et al. (US 5,744,763 A; 28APR98) in view of Norvell (US 5,472,760 A; 05DEC95).

Iwasa et al. disclose an interior member *capable* for a cab of a work vehicle, best shown in Figure 15, and comprising: a foundation body panel (felt 91) which has a first side and a second side, and which comprises a plurality of ribs (72) at the second side, at least one space (51) being defined by the ribs at the second side of the foundation body panel; an outer layer material (non-woven fabric 92) provided at the first side of the foundation body panel; a first sound absorbing member comprising a sound absorbing material (pulverized rubber 11) provided between the outer layer material and the first side of the foundation body panel; and a plate (vehicle hood panel 14) provided at the second side of the foundation body panel, wherein the foundation body panel is fastened to the plate. The plate is not disclosed as metal, but vehicle hood panels are known to be manufactured from sheet metal panels. Figure 15 shows a foundation body panel without holes (41) and includes spaces to better absorb any sounds that are able to travel though the first sound absorbing material. These dimensions of these spaces are described as changeable to cover differing frequencies, such as for different engine types (combustion vs. electric).

In regards to claim 26, sound absorbing member (20) made of polyurethane foam, as described on column 14, line 56

In regards to claim 34, the interior member, as described above, is employed to sound-proof an engine compartment of a vehicle, but is capable of forming a wall member for a cab of a work vehicle, as described on column 1, line 7.

However, Iwasa et al. do not expressly disclose a second sound absorbing member comprising a sound absorbing material provided in the space defined by the ribs at the second side of the foundation body panel.

Norvell discloses two sound absorbing members (50, 52) separated by a foundation body panel (54).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the interior member of Iwasa et al., to employ a second sound absorbing member, as taught by Norvell.

The suggestion/motivation for doing so would have been to change the frequency range of absorbed sounds, as is desired in this vehicle invention.

Therefore, it would have been a desirable and thus a prima facie obvious modification of the interior member of Iwasa et al. by combining a second sound absorbing member with the first sound absorbing member to obtain the invention as specified in claims 18 & 34, as taught by the prior references' motivation, and not hindsight from the Applicant's disclosure.

5. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Iwasa et al. in view of Tokunaga et al. (JP 63-188544 A; 04AUG88).

Iwasa et al. disclose an interior member comprising a foundation body panel including ribs, as described above.

However, Iwasa et al. do not expressly disclose that the ribs cross each other.

Tokunaga et al. disclose an interior member mounted on a dashboard (13) for a cab of an automobile, comprising a sound absorbing material (14) contained inside a foundation body panel (10) including crossed ribs (12) on the rear surface side.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the interior member of Iwasa et al., to employ crossed ribs, as taught by Tokunaga et al.

The suggestion/motivation for doing so would have been to change the volume of the spaces, thus changing the frequency range of absorbed sounds, as is desired in this vehicle invention.

Therefore, it would have been a desirable and thus a prima facie obvious modification of the interior member of Iwasa et al. by combining crossed ribs with the foundation body panel to obtain the invention as specified in claim 19, as taught by the prior references' motivation, and not hindsight from the Applicant's disclosure.

6. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Iwasa et al., as modified, in view of Tokunaga et al.

Iwasa et al., as modified, disclose an interior member comprising a foundation body panel including ribs, as described above.

However, Iwasa et al., as modified, do not expressly disclose that the ribs cross each other.

Tokunaga et al. disclose an interior member mounted on a dashboard (13) for a cab of an automobile, comprising a sound absorbing material (14) contained inside a foundation body panel (10) including crossed ribs (12) on the rear surface side.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the interior member of Iwasa et al., as modified, to employ crossed ribs, as taught by Tokunaga et al.

The suggestion/motivation for doing so would have been to change the volume of the spaces, thus changing the frequency range of absorbed sounds, as is desired in this vehicle invention.

Therefore, it would have been a desirable and thus a prima facie obvious modification of the interior member of Iwasa et al., as modified, by combining crossed ribs with the foundation body panel to obtain the invention as specified in claim 20, as taught by the prior references' motivation, and not hindsight from the Applicant's disclosure.

7. Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwasa et al. in view of Beaulat (US 5,595,415 A; 21JAN97).

Iwasa et al. disclose an interior member comprising a foundation body panel made of a material having heat insulating properties.

However, Iwasa et al. do not expressly disclose that the foundation body panel comprises a portion for attaching an electrical wire member channel at the second side of the foundation body panel, that the foundation body panel comprises a portion for forming an air conditioning duct at the second side of the foundation body panel, nor that a closing member closes a space defined by the portion for forming the air conditioning duct, wherein the closing member and the portion for forming the air conditioning duct together form the air conditioning duct

Beaulat discloses an interior member (covering panel 2) mounted on a door (1, 1a, 1b) for a cab of an automobile, comprising in that a sound absorbing material (column 4, lines 16-21) is

contained between an outer layer material (second panel 3b) and a foundation body panel (first panel 3a). The interior member includes a duct (cavity 5) for attaching wire (electrical cables 5a) and an air conditioning duct (cavity 4) closed off by a closing member (inner skin 1b).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the interior member of Iwasa et al., to employ air conditioning and wire channeling ducts, as taught by Norvell.

The suggestion/motivation for doing so would have been to increase the uses for the interior member, as is desired in this vehicle invention.

Therefore, it would have been a desirable and thus a prima facie obvious modification of the interior member of Iwasa et al. by combining ducts with the foundation body panel to obtain the invention as specified in claims 21 & 22, as taught by the prior references' motivation, and not hindsight from the Applicant's disclosure.

8. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Iwasa et al., as modified, in view of obvious common knowledge.

Iwasa et al., as modified, disclose the claimed invention except for the first sound-absorbing member having a thickness of 5mm to 20 mm. It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the first sound-absorbing member to a thickness of 5mm to 20mm, since it has been held to be within the general skill of a worker in the art to select a thickness on the basis of its suitability for the intended use as a matter of obvious mechanical expedient choice. In re Leshin, 125 USPQ 416.

The Applicant's response on 01NOV07 does not address the Examiner's Official Notice of thickness selection submitted in the Office action filed 01AUG07. This appears to constitute acquiescence that the feature was well known in the art at the time of the invention.

Allowable Subject Matter

9. Claims 37-39 are allowed.
10. The following is an examiner's statement of reasons for allowance: the prior art does not show or make obvious Applicant's outer and inner metal plate.
11. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."
12. Claims 30, 35 & 36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
13. The following is a statement of reasons for the indication of allowable subject matter: the prior art does not show or make obvious Applicant's second sound absorbing member on the other side of the metal plate (claim 30) and the exterior layer (claim 35).

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul A. Chenevert whose telephone number is (571)272-6657. The examiner can normally be reached on Mon-Fri (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn D. Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. Glenn Dayoan/
Supervisory Patent Examiner, Art Unit 3612

Paul A. Chenevert
Examiner
Art Unit 3612

PAC
21MAY08